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REMARKS

Applicant is amending the specification in part in order to correct a misunderstanding of the activity of the United States Copyright Office with respect to the doctoral dissertation that was the academic basis for the instant application. Specifically, Applicant's doctoral dissertation was deposited in the United States Copyright Office on June 10, 2003. However, recent inquiry by counsel to the Copyright Office has determined that the deposit did not amount to publication. The Copyright Office reported that, although the dissertation was registered for copyright purposes on or about June 10, 2003, the Library of Congress has to date never catalogued the dissertation and never shelved it and therefore it has been and is still not available to the public through the Library of Congress.

Applicant is also providing a supplemental Information Disclosure Statement and PTO Form 1449 regarding the status of the dissertation as a publication. In particular, counsel also inquired of the Library at the University of Maryland regarding activities that could be construed as publication. Library personnel responded that the dissertation was entered into the University Library cataloguing system in approximately June of 2003, but not shelved at that time. The dissertation was before that date sent to the bindery, and was not received back and shelved, and therefore made available to the public, until at least April, 2004.

In addition, Applicant has received a Notice of Non-Complying Amendment for the claims submitted with the July 19, 2005 Response. The Notice stated that Claim 14 was improperly designated as "previously presented" when it should have been designated "currently amended," as is obvious from the fact that an amendment is shown in the claim. Applicant is

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submitting herewith a complete new set of claims with the erroneous designation corrected.

Otherwise, and substantively, the claim amendments are identical with those submitted on July 19.

### CONCLUSION

Applicant believes that this case is now in condition for allowance. Should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Frederick C. Williams, Applicants' Attorney at (202) 842-0445 so that such issues may be resolved as expeditiously as possible. For these reasons, and in view of the above amendments, early allowance is earnestly solicited.

Respectfully submitted,

August 2, 2005  
Date

Frederick C. Williams  
Frederick C. Williams  
Attorney/Agent for Applicant(s)  
Reg. No. 36,969

Frederick C. Williams  
Burns & Levinson LLP  
1030 Fifteenth Street, N.W.  
Suite 300  
Washington, DC 20005-1501  
Tel. (202) 842-0445

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REMARKS

Reconsideration and expeditious allowance is respectfully requested. Claims 5 through 46 remain in the case. Applicant has amended the pending claims and replaced the Abstract in an effort to overcome Examiner's rejections.

Specifically, Applicant has corrected the listing of references referred to in the Office Action by filing an Information Disclosure Statement, dated July 15, 2005 to formally disclose any reference called out in the body of the specification. Applicant has also added other references subsequently determined to be possibly relevant.

Applicant is submitting herewith a substitute Abstract. Applicant believes that this substitute overcomes the Examiner's rejection.

Finally, Applicant submits herewith amended claims that Applicant believes overcomes the § 112 rejections listed on pages 3 and 4 of the Office Action. Applicant has changed the referencing of the claims to indicate whether a use of a term properly relates back to an antecedent basis or alternatively is the antecedent basis for other uses of the term. In the course of making these changes, it was determined that other technical changes to some of the claims were also necessary, as indicated.

In view of Examiner's indication at page 4 of the Office Action that Claims 5 through 46 would be allowable if rewritten to overcome § 112 rejections, Applicants respectfully request that the Examiner now issue a Notice of Allowance. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner

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telephone Frederick C. Williams, Applicants' Attorney at (202) 842-0445 so that such issues may be resolved as expeditiously as possible.

For these reasons, and in view of the above amendments, this application is now considered to be in condition for allowance and such action is earnestly solicited.

Respectfully submitted,

July 19, 2005  
Date

Frederick C. Williams

Frederick C. Williams  
Attorney/Agent for Applicant(s)  
Reg. No. 36,969

Frederick C. Williams  
Burns & Levinson LLP  
1030 Fifteenth Street, N.W.  
Suite 300  
Washington, DC 20005-1501  
Tel. (202) 842-0445